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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,150	01/23/2002	Ed Gancarcik	481340010041	5763
7590 09/22/2005		EXAMINER		
David B. Cochran, Esq.			GARY, ERIKA A	
JONES, DAY, REAVIS & POGUE North Point			ART UNIT	PAPER NUMBER
901 Lakeside Avenue Cleveland, OH 44114			2681	
			DATE MAILED: 09/22/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Editariolize of time may be available under the provisions of 37 CPR 1.136(s). In cevent, however, may a reply be takeny filed after 3X (6) MONTHS from the malting date of this communication. Failube to reply within the act or extended period for regly will, by statute, cause the application to become ABANDONED (38 U.S.C.§ 135). Any reply received by the Office later than three months after the mailing date of this communication. Failube to reply within the act or extended period for regly will, by statute, cause the application to become ABANDONED (38 U.S.C.§ 135). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any readed any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any activate any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any reduce any reply received by the Office later than three months after the mailing date of this communication. 1) A status and the provided provided that the provided and the provided			Application No.	Applicant(s)				
Erika A. Gary 2881 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, RROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of the may be evaluate under the provised of 37 CR1 1:306, his nevent, however, may a reply be finely filed 1 NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failure for exply within the set or confided period for reply will, by station, exame the application Desome ABANDOCHO, 36 U.S.C. § 133, Ary reply received by the Office later than the maximum statutory period will exply and will expire SIX (8) MONTHS from the mailing date of this communication. Pallure for reply within the set or confided period for reply will, by station, exame the periodic DG SU.S.C. § 1333, Ary reply received by the Office later than these months after the mailing date of this communication, even if timely filed, may reduce any scene planta time aliquisment. See 37 CRR 1-76(4). Status 1) □ Responsive to communication(s) filed on 12 September 2005. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-10 and 13 Is/are pending in the application. 4a) Of the above claim(s) 1-13 Is/are rejected. 5) □ Claim(s) 1-10 and 13 Is/are rejected. 5) □ Claim(s) 1-10 and 13 Is/are rejected. 6) □ Claim(s) 1-10 and 13 Is/are rejected to by the Examiner. 10) □ The drawing(s) filed on 1-15 Is/are allowed. 8plicant may not request that any objected to the drawing(s) be held in abovance. See 37 CRR 1.85(a). Replacement drawing sheet(s) including the corrections is required if the drawi	Office Action Summary		10/055,150	GANCARCIK ET AL.				
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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 1, the foreign priority data should be included.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 1-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinard et al., US Patent Number 6,647,103 (hereinafter Pinard).

Regarding claim 1, Pinard discloses a personal digital assistant (PDA) enabled telephony system comprising: call control means for implementing telephony functions [fig. 4: refs PC3, 54], wherein said call control means comprises one of either a PBX or a call server [fig. 1: ref. 10]; a telephone set connected to said call control means and having a communication port [fig. 4: phone/docking station 1]; a PDA having a user interface for displaying telephony functions to a user, a detector for detecting a selected telephony function, a telephony application for determining a call command based on

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said selected telephony function, and a communicator for communicating said call command to said communication port [fig. 4: PDA 5]; wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function [col. 1: line 62 – col. 2: line 6].

Regarding claim 2, Pinard discloses communication between said telephone set and said PDA is achieved via a protocol implemented via software within each of said telephone set and said PDA [col. 3: lines 50-56].

Regarding claims 3 and 4, it is inherent for protocols to comprise physical layers, an application or network interfaces, and encapsulation layers.

Regarding claim 5, Pinard discloses said telephone set includes communication means for enabling communication between said PDA and a call server [fig. 1].

Regarding claim 6, Pinard discloses said communication between said PDA and said call server is via one of either a TDM or IP based communication network [fig. 1; col. 4: lines 20-21].

Regarding claim 7, Pinard discloses said telephone set includes communication means for enabling communication between said PDA and a network node [fig. 1].

Regarding claims 8 and 13, Pinard discloses the physical layer comprises at least one of a wired interface or wireless interface [fig. 4: refs. 41, 42, 44, 46].

Regarding claim 9, Pinard discloses the wired interface comprises at least one of a serial interface, parallel interface, USB interface, tip and ring interface [fig. 4: refs. 41, 42].

Regarding claim 10, Pinard discloses the wireless interface comprises at least one of an infrared/IrDA interface, radio interface, and cellular interface [fig 4: refs. 44, 46].

4. Claims 1-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al., US Patent Number 6,584,490 (hereinafter Schuster).

Regarding claim 1, Schuster discloses a personal digital assistant (PDA) enabled telephony system comprising: call control means for implementing telephony functions, wherein said call control means comprises one of either a PBX or a call server; a telephone set connected to said call control means and having a communication port; a PDA having a user interface for displaying telephony functions to a user, a detector for detecting a selected telephony function, a telephony application for determining a call command based on said selected telephony function, and a communicator for communicating said call command to said communication port; wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function [fig. 1; col. 3: lines 32-34, 41-45; col. 7: lines 5-42; col. 8: lines 43-48].

Regarding claim 2, Schuster discloses communication between said telephone set and said PDA is achieved via a protocol implemented via software within each of said telephone set and said PDA [col. 4: lines 17-22].

Regarding claims 3 and 4, it is inherent for protocols to comprise physical layers, an application or network interfaces, and encapsulation layers.

Regarding claim 5, Schuster discloses said telephone set includes communication means for enabling communication between said PDA and a call server [col. 4: lines 17-22].

Regarding claim 6, Schuster discloses said communication between said PDA and said call server is via one of either a TDM or IP based communication network [col. 8: lines 10-25].

Regarding claim 7, Schuster discloses said telephone set includes communication means for enabling communication between said PDA and a network node [col. 8: lines 10-25].

Regarding claims 8 and 13, Schuster discloses the physical layer comprises at least one of a wired interface or wireless interface [col. 9: lines 54-56].

Regarding claim 9, Schuster discloses the wired interface comprises at least one of a serial interface, parallel interface, USB interface, tip and ring interface [col. 7: lines 31-40].

Regarding claim 10, Schuster discloses the wireless interface comprises at least one of an infrared/IrDA interface, radio interface, and cellular interface [col. 7: lines 31-40].

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris, US Patent Number 6,738,643 (hereinafter Harris).

Regarding claim 1, Harris teaches a personal digital assistant (PDA) enabled telephony system comprising: a call control means for implementing telephony functions [inherent]; a telephone set connected to a call control means and having a communication port [fig. 1: ref. 130]; a PDA having a user interface for displaying telephony functions to a user, a detector for detecting a selected telephony function, a telephony application for determining a call command based on said selected telephony function, and a communicator for communicating said call command to said communication port [fig. 1: ref. 100]; wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function [fig. 1; col. 1: lines 54-60; col. 2: lines 49-62]. Further regarding claim 1, the Examiner takes Official Notice that it is well known in the art for a call control means to comprise a PBX or a call server. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include a specific call control means as it is obvious that the telephone set is connected to some type of call control means. The specific call control means used lacks criticality to the overall function of the invention.

Response to Arguments

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Further the Examiner maintains that the declaration filed is insufficient because the Examiner does not see proof of printed dates indicating that the present invention was conceived prior to October 31, 2000.

Claims 1-10 and 13 are now also rejected under Schuster et al., which has a filing date of December 22, 1999.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG September 18, 2005

> ERIKA A. GARY PRIMARY EXAMINER

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